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U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE COMMISSIONER OF PATENTS AND TRADEMARKS

In re BRITTA DAUME)
Application No. 09/491,841)
Filed: August 23, 1999)
Appeal No. 2005-0289)
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ORDER GRANTING REQUEST TO RESET HEARING DATE

An oral hearing before a merits panel of the Board of Patent Appeals and Interferences has been set for April 7, 2005. The notice setting the hearing was mailed to counsel on February 25, 2005. The date counsel received the notice is not apparent from the record. On March 11, 2005, a facsimile letter was received wherein counsel requested that the oral hearing be rescheduled. The request has been granted.

According to counsel:

Appellant requests a postponement of the hearing date presently set for April 7, 2005 and rescheduling of the hearing date for the following reasons.

[Counsel] for appellant is presently involved in a separate appeal before the United States Court of Appeals for the Federal Circuit. A hearing date in connection with that appeal conflicts with the hearing date set in this appeal. Counsel

for appellant has handled the appeal in connection with this application since the outset and is the only attorney completely familiar with the facts and issues surrounding this appeal.

For the reasons given above, it is

Ordered that the request to reschedule the hearing to a date after April 7, 2005, is granted, and that a new date for the oral hearing will be sent to counsel.

No further request for postponement will be permitted.

Any further request for postponement will be treated as a waiver of the Request for Oral Hearing.

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